

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Brandon Kale Harris,

Petitioner

v.

Brian E. Williams, et al.,

Respondents

2:16-cv-01305-JAD-CWH

**Order Granting Application to Proceed
in forma pauperis, Granting Motion for
Appointment of Counsel, and Ordering
Service on Respondents**

[ECF No. 1, 1-1, 2]

Nevada state prisoner Brandon Kale Harris brings this § 2254 petition to challenge his state-court conviction and sentence. Harris has also submitted an application to proceed *in forma pauperis*¹ and a motion for appointment of counsel.²

Harris's application to proceed *in forma pauperis* and attachments indicates that he is unable to pay the filing fee for this action, so I grant his application and Harris may proceed with this action without paying the filing fee. I have also screened Harris's petition as required by Rule 4 of the Rules Governing § 2254 cases in the United States district courts and find that it merits service on respondents, so I next consider Harris's motion for appointment of counsel.

"Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations."³ But a court may appoint counsel at any stage of the proceedings "if

¹ ECF No. 1.

² ECF No. 2.

³ *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam)).

the interests of justice so require.”⁴ It appears that relatively complex statute-of-limitations issues will be addressed at the outset of this case and that Harris may not be able to adequately litigate those issues without counsel. I therefore find that the interests of justice warrant representation and grant Harris’s motion for appointment of counsel.

Conclusion

Accordingly, with good cause appearing, IT IS HEREBY ORDERED that **Harris’s application to proceed *in forma pauperis* [ECF No. 1] is GRANTED.**

The Clerk of Court is directed to separately file Harris’s petition [ECF No. 1-1], add Adam Paul Laxalt, Attorney General for the State of Nevada, as counsel for respondents, and electronically serve respondents with a copy of Harris’s petition and a copy of this order.

IT IS FURTHER ORDERED that respondents will have 20 days from receipt of the petition to appear in this action. Respondents are not required to respond to the petition at this time.

IT IS FURTHER ORDERED that **Harris’s motion for appointment of counsel [ECF No. 2] is GRANTED. The Federal Public Defender for the District of Nevada (FPD) is appointed to represent Harris.** If the FPD is unable to represent Harris, alternate counsel will be appointed.

The Clerk of Court is instructed to electronically serve the FPD with a copy of this order and a copy of Harris’s petition. The FPD must file a notice of appearance or indicate to the court its inability to represent Harris in this case by July 4, 2016. I will issue a scheduling order after counsel for both parties have appeared.

Dated this 14th day of June, 2016.



Jennifer A. Dorsey
United States District Judge

⁴ See 18 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196.